action. As soon as the flood situation arose, we thought it desirable to pass that Bill. The Legislative Council has passed.....

Sri V. SRINIVASA SHETTY.—Why not we take it up on Monday ?

Sri KADIDAL MANJAPPA.—On Monday we are not sitting. It is only on the basis of the understanding that the Opposition will agree after consulting the Leader of the Opposition we have placed this on the agenda of this House to-day.

Sri J. B. MALLARADHYA.—When this matter was discussed with me by the Chief Minister, he made it clear that the matter came up before the Council during this session which commenced its session from the 19th and this particular amendment which is sought to be introduced in this House was approved and accepted by the Council only day before yesterday. It is in view of that and because of the importance of the Bill and the urgency, I agreed that it might be taken up for discussion. But we want to know what is the time that is going to be allotted; is it possible for us to finish the Bill to-day or will you take it up on Monday ?

Sri KADIDAL MANJAPPA.—The Leader of the Opposition knows that Members have already made arrangements to go to their places. We can sit till 1-30 and pass this Bill. There should be some sanctity for the words of the Leader of the Opposition.

Sri J. B. MALLARADHYA.—I want to make one statement with respect to what the Revenue Minister said. When I discussed this matter and agreed with the Chief Minister, at no time did I agree to the extension or the giving of a recess for the session. We on the Opposition never agreed to the adjournment of the work of this House to 22nd August. Surely, the Members of the Opposition are willing to discuss this. Does it mean to say that one day or two days, delay matters a great deal. The passing of this Bill is more important than going back to their houses. We are prepared to sit longer...

THE LAND ACQUISITION (MYSORE EXTENSION AND AMENDMENT) BILL, 1961

Motion to Consider

Sri KADIDAL MANJAPPA.—It is too late to consider the question of sitting to-morrow or day after to-morrow. Under the peculiar circumstances, I would appeal to the Members of the Opposition to agree to pass this measure to-day itself.

I beg to move.—

"That the Land Acquisition (Mysore Extension and Amendment) Bill, 1961 as passed by the Legislative Council, be taken into consideration."

Mr. DEPUTY SPEAKER:—Motion moved:

"That the Land Acquisition (Mysore Extension and Amendment) Bill, 1961 as passed by the Legislative Council, be taken into consideration.'

Sri KADIDAL MANJAPPA.—Sir, this is not a new Bill brought before the House for the first time. The Bill had been considered in this House before it was referred to the Joint Select Committee. I have submitted that there are different laws indifferent regions There is need for enacting a uniform law on the subject. The Joint Select Committee which went into this question have taken into account the discussion that took place on the floor of this House and the Upper House. They have also taken into account the recommendation of the Law Commission. In the light of all this, the Committee made suitable amendments with a view not only to bring about uniformity but also to minimise the delay in the disposal of acquisition cases. The important provision made is with regard to the definition of the word 'public purpose' has been enlarged in the light of the decision of the Supreme Court and several other High Courts. The Law Commission had suggested certain modificaton in the definition and we have adopted that. We have prescribed a time limit for preferring objection and time limit for submitting of the report by the Deputy Commissioner to the Government. The other important change made by the Joint Select Committee is that the Deputy Commissioner should be empowered to issue notification under section 4. At present, only the Government can issue notification. This is in order to avoid delay. At present, there is no need to issue notice of award to the persons interested in the land acquired. A provision has been made to issue notices and this will enable the party to know what exactly has been awarded. The interest rate on compensation has been enhanced from 4½ to 5 per cent according to the recommendation of the Law Commission. The Legislative Council has made some modifications• They have incorporated a provision which enables the Deputy Commissioners to take possession of the land immediately without complying with the provisions in the Land Acquisition Act-*i.e.* clause 31 of the Bill on page 13. The subsequent clauses deal with the manner in which compensation has to be paid. When there is need for settling the disabled poor persons who are not in a position to acquire land out of their own funds, at least for one year the Deputy Commissioner can acquire possession of the land and then he can take steps to acquire the same land under section 17 of the Act. Therefore, Sir this is an important measure. Secondly it minimises the delay in the disposal of land acquisition cases. Particularly, it empowers the Deputy Commissioner to acquire temporary possession of land to settle people affectd by natural calamities like fire, floods etc. I commend the measure for the kind consideration of the House.

† Sri V. SRINIVASA SHETTY (Coondapur).—Sir, ordinarily this is not a measurs which we would have opposed. But I am very much surprised at the short-sighted manner in which this Bill is sought to be hustled

through this House trying to put us in the wrong. This House has passed a number of Bills without much variation. When the House met on the 19th of this month, it must have been within the knowledge of the Government that the furies of the flood were in full progress and distress had been caused and they would require lands for the settlement of the affected persons. No indication was given to the House that this Bill will be placed us and without being allowed to discuss the provisions properly. we have to pass it. A lame reason has been placed before the House by the Revenue Minister that we have to pass this Bill to-day. At the same time we have to start to our homes also—If really the Government wanted to pass this Bill, what was the necessity for asking us to discuss it at the fag end of the hour ? We are not given any opportunity to go through it propely. Sir, this is a very important Bill, no doubt. and we do not want to oppose is. Ordinarily, for the way in which the Government have behaved, we would not have participated in the discussion on this Bills But. because of the importance of the Bill, we want to go through it.

Sir, I am one of those who realise that the present Land Acquisition Act is a great impediment for the execution of the most important public works. Not only for helping the affected people due to floods, but most of the important works under the plans could not be pushed through on account of the delay in acquisition of land for the purpose. Possibly for all the the evils, it is the Government and the Government officers that are responsible. The Hon'ble Minister might not agree with me. I have no time to read the long opinion expressed by the Law Commission in the Report. but I will only read one or two sentences.

"... .....,the State Government themselves admit that the delay is largely due to the tardy manner in which the Government move in the matter....."

> "The Finance Minister has given four instances in which the co-ordinating of bridges had been delayed because they could not obtain possession of the land in time and land acquisition proceedings which commenced as early as 1948 are still pending at the time of the Report. "
>
> (Extract from the Law Commission Report)

That was the evidence placed before the Law Commission also. That is our unhappy experience in this State also. What opinion this Government has placed before the Law Commission, we are not aware. Sir, I know and my Hon'ble friend the Law Minister knows also that three or four years ago, Government sanctioned a scheme to construct quarters for nurses in South Kanara. I was one of those persons and I know my Hon'ble friend also took a lot of interest in this—we tried to quicken the process. I do not how many times, I met the Secretary to see that the process was quickened. Ultimately he said : "why do you take so much interest on such a small matter". I said, 'I do not know how things can be pushed there, otherwise'. In my own taluk,

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Government ultimately was not able to acquire the land at all. The publication of the notification in the Gazette was delayed for so long a time and to put up a single building for nurses' quarters in my own taluk, we were not able to acquire land because we could not make the Government machinery move at all. The Government Press was not willing to make the publication in time. I will relate anothe instance, nemely the West Coast Road. Every body will admit that it is a very important project. There is a special officer for land acquisition. The whole complaint seems to be that work is delayed because the notifications are not being issued in time. So, ultimately the officers run up from South Kanara to the Government Press, Bangalore. and somehow get these notifications published in the Gazette in time. There is something wrong. I am requesting the Hon'ble Minister to look into these cases. In umpteen cases, in a majority of these cases, these publications are not made in time at all. That is the very same statement that is made in the Report of the Law Commission that because the Governmeat machinery does not move in the matter, publications are not made and some prodding has to be made for every scheme. I do not know how any scheme can be pushed through even after the amendment of the Bill.

Sir, I would welcome any measure which would shorten delay. How to make the machinery work, I am unable to understand. If the Government Press can put into the Waste paper basket notifications that have to be published very urgently, how can any law work ? The Hon'ble Law Minister of the Deputy may issue the notification. He will send the notification to the Press at Bangalore who is the authority to notify—the very same person, the very same agency which was dealing with the matter till now will do the same thing. What is the remedy the Government can evolve to quicken the process to publish the notification? I am unable to understand. I request the Hon'ble Minister to look into this matter. Government have a lot of matters to look into. These are very petty matters, but they must be looked into in time so that the old habit may not continue.

I am speaking from personal experience. We wanted to construct a road—a fishery road in my area. Some sandy stretch of land belonged to a private party. It was a waste piece of land, practically a stray patch of land. He filed a suit. There was an injunction—for nearly a year the road was lying there, with a few cents of land not being acquired. The Government officers are not able to acquire that piece of land for nearly a year. We have not yet seen the notification published. The P.W. officers or the Government have not moved in the matter. There is no notification and we are not able to acquire the land. The road costs Rs. 70,000 to 80,000 and is lying idle there.

Similarly with regard to a number of schemes, seed farms, roads, schools, public buildings. I do not know whether after the amendment,

we will be quickening the pace. Sir, with regard to the Bill itself, I have not been able to study it as thoroughly as I could wish, such an important piece of legislation. One road-block in this case is the interpretation to be given by courts with regard to the very elusive word 'public purpose'. In very many cases, they have said that the word is very elastic and the Law Commission also said that this is one word which refuses to be defined properly or effectively, so that in many cases that word comes in the way of land being acquired. There is a difinition—possibly it is a copy of the definition given by the Law Commission, of this expression 'public purpose'. Certain things have been enumerated under the definition of public purpose. My Hon'ble friend the Law Minister says, it is an inclusive definition, but it is not an exhaustive definition at all.

Sri B. VAIKUNTA BALIGA.—Sir, 'Public purpose' as understood normally includes everything which is not debatable and should there be any doubt lingering it is worded like that : 'public purpose' includes and not 'means'. It is one way of defining things.

Sri V. SRINIVASA SHETTY.—Some of the courts think and hold that these things are not public purposes.

Sri B. VAIKUNTA BALIGA.—It can never be an exhaustive list.

Sri V. SRINIVASA SHETTY.—My Hon'ble friend and myself are lawyers ; and may I say Sir, that the Judges and lawyers are very conservative people. It is our misfortune that judges of courts do not see things as we want them to see sometimes. They are extremely sensitive to law and order and rights and liabilities. Sir, that is why, sometimes we are exasperated at judicial decisions. But we have no way of escaping these decisions. I have given notice tentatively of certain amendments. I have narrated some of the difficulties which we have found in the village parts. We wanted a small stretch of arable land. They have defined arable land to include giran lands—a few fields of grass land for example. But it has not been included in this definition—school building or road, it does not come under that.

There are various schemes costing crores and crores of rupees for construction of rural communication roads. In our place there are a number of innumerable roads which we could not complete because of some party strife or factional disputes which obstructed the construction of the roads. In this definition such a thing is not included. My friend says that construction of roads and school buildings will certainly come under this definition. I only wish they come. I am very much concerned with development work and that is why I said that this definition should also include construction of roads and school buildings. The definition only says "buildings for locating public office". I was unable to visualise whether the construction of roads and school buildings is included in this. Possibly it may not include this and hence I wanted to specifically make it include these works also. If my friends the Law Minister and the Revenue Minister who were eminent lawyers assure us

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that this would come within the purview of the definition of public purpose, we do not lose anything by including them in the definition.

Another thing that I want to say in regard to clause 19 is about the word "urgency" in section 17. Section 17 (1) says :

> "In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall there upon vest absolutely in the Government, free from all encumbrances."

Just like the term "public purpose" the word "urgency" is also a word which will delude us. What is " urgency "? When does an urgent occasion arise for acquisition of land ? We can visualise a number of courts refusing acquisition of land because it is not an urgent matter. How can we show that this is an urgent matter ? Even if we say that a certain matter is urgent, the court may turn round and say that it is not an urgent matter and and that the Government can wait for some more time. I can understand the case of land being distributed to victims of flood being an urgent matter, but if it is a case of land required for construction of a building or a road, the court may say that it is not an urgent matter and that they may wait for a few months. This will be a bottleneck for pushing through your public works programme. I wanted to substitute the words " for speedy execution of any scheme or work" for the word " urgency " The wording of this sections is " whenever the appropriate Government so directs....." This is not an irresponsible Government. A responsible government will feel that it is necessary that a piece of work should be pushed through and so it may direct. Under those circumstances the court cannot say that this should not be taken up. I wanted to give more power to the Government itself I do not want to prevent Government from doing such a thing. So in the interest of pushing through necessary and important works, for the word "urgency" I have sought to substitute words "for the speedy excution of any scheme or work". I really welcome the provision in the Bill to acquire private land for the purpose of settling sufferers of the flood havoc. I think it is a temporary measurs as it is visualised here. I would like the Government to acquire the surplus lands from private persons for the permanent settlement of persons who have lost lands. There is nothing wrong in that. I hope Government appreciate this view point. My anxiety is that development works should not be delayed for a moment due to the tardiness of the Government machinery and even by a wrong decision by a court of law. It is with that view that I have suggested some of my amendments.

With these remarks I close my speech with a request to Government to see their way to accept some of our suggestions, if not some of our amendments.

Sri G. VENKATAI GOWDA.—Mr. Speaker, Sir, as my friend Sri Srinivasa Shetty pointed out this is a very important measure which can go a long way to remove the difficulties and hardships experienced by local bodies. As I go through the provisions of the Bill it appears as though an attempt has been made to acquire lands for the purposes mentioned in the provisions of this Act urgently in an urgent manner and also to vest powers in the Deputy Commissioner for the speedy execution of the schemes. But at the same time I am afraid whether the sprit or the intention with which these provisions have been made could be given effect to in the manner in which Government wishes to do for what they have said in section 6 is this :

> " The Deputy Commissioner shall, thereupon, within two months from date on which he receives such direction..... report to the appropriate Government the result of his operations....."

This section also envisages a direction by the State Government to the D.C. After receipt of the direction from the State Government the D.C. has to do certain things within two months. This section does not bestow ample powers on the D.C. for certain purposes.

Again by clause 17 the Deputy Commissioner appears to have been vested with some powers in the proposed new section 15-A in the Central Act, which says :

> " The State Government may, at any time before an award is made by the Deputy Commissioner under section 11, call for and examine the record of any order passed by the Deputy Commissioner or of any inquiry or proceedings of the Deputy Commissioner for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of such proceedings....."

I am doubtful whether this provision is at all necessary in this Bill because I feel it may impede the progress of the work. The Government, may only reserve a right of hearing appeals questioning the legality of the act of the Deputy Commissioner, but why should Government *suo moto* at any stage call for and examine the records before the passing of the award ? This is ununderstandable. This is an amendment to Section 12 of the Central Act. I feel that the amendment is inconsistent with the section of the Central Act. In the amendment to Section 17 of the Central Act, I would have been happy if under the description of emergent situations, things like flood or fire had also been included in order to cover a situation like the one we are facing now. Such a provision, instead of being incorporated by way of amendment to Section 17, has been incorporated in Section 37-A. Morever, the Central Act gives 3 years from the date of occupation. Here the Deputy Commissioner is authorised to requistion particular sites or buildings for a period not exceeding one year from the commencement of such occupation. I do not know if we are going to do any good

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by taking temporarily some a rable are waste land and temporarily accommodating some displaced person there. Accommodating them there once for all would be good.

Even in respect of appeals, the Central Act contemplates an appeal to the High Court and then a second appeal to the Supreme Court. Here, if the court of orginal Jurisdiction hears a reference and if there were to be an appeal against that to a higher court, say the district court, there will be another appeal to the High Court and then to the Supreme Court. I do not understand whether this would make matters easy and find a way for speedy disposal of cases. Only if there is a point of law involved, the Judges of the High Court have to permit an appeal to be taken to the Supreme Court. Why should we provide for so many appeals which would result in it becoming burdensome to the parties. I do not think it will serve the purpose with which this clause has been incorporated. Under the guise of uniform law I do not think we have made the law better for the simple reason that the Deputy Commissioners have to be directed by the Government and instructed to take up matters. What is the purpose that is going to be served by again keeping the power at the State level ? Even when the Deputy Commissioner does something in the course of his proceedings, the Government can at any time call and examine the records which will cause inordinate delays. Therefore I humbly request the Hon'ble Minister to see that the Deputy Commissioner is authorised to acquire arable waste land to get displaced persons accommodated in cases of floods etc., and instead of temporarily accommodating them, whether it would be desirable and better in the interest of the finances of the State to see that they are also brought under the definition of public purpose. Moreover, when a party or local body comes before the Deputy Commissioner with a request that a particular land be acquired for a particular purpose, why not the Deputy Commissioner take up the proposal and issue notification ? It should come to the notice of the Government only if the aggrieved party comes challenging the validity or legality of the procdure adopted by the Deputy Commissioner. We all know that in land acquisition cases, there is inordinate delay. For instance, in my own taluk, nearly 30 to 40 cases are pending which have been initiated prior to Reorganisation. Not even one case has been finally disposed and I am told some records have been built up under the provisions and the rules of the Mysore Land Acquisition Act. Now the Government has issued a notification that all of them should be brought under the Madras Land Acqusition Act which is prevailing in that area. The result is that the work is at a stand still. I would request the Hon'bleRevenue Minister that under this law all these cases may be speedily disposed of.

Sri KADIDAL MANJAPPA.—Sir, I have already narrated the peculiar considerations which impelled me to press that this Bill be passed to-day

itself. It is not necessary to repeat once again. Hon'ble Sri Shetty pointed out that there is delay both at the preliminary stage and at the stage of publication by the Government Printing Press. Government will assure him that we will take all possible steps to prevent delay. It is true that in the Government Printing Press, on account of heavy congestion, there has been delay. We will try to remove the bottleneck.

†Sri K. PUTTASWAMY.—Even when local officers build up records, they have to be routed through the several intermediary officers before the Government could get it. In this process there are instances where some years elapse. So, is it not possible to see that this delay in transmission of record from one office to another is avoided or minimised ? It can be avoided by an administrative order. In fact the Sub-Divisional Officer builds up the records and it has to go through the Deputy Commissioner and the Divisional Commissioner and then to Government. In this process itself much delay ensues even if the case relates to the acquisition of a small bit of land for a school. We find it difficult to secure land even for a school unless the owner himself agrees. If the owner is not readily willing to give the land, some years elapse and on that account developmental work is hampered.

Sri KADIDAL MANJAPPA.—The other suggestions will be borne in mind and we will try to minimise the delay. I commend the Bill for the kind consideration of the House.

Mr. DEPUTY SPEAKER.—The question is:

"That the Land Acquisition (Mysore Extension and Amendment) Bill, 1961 as passed by the Legislative Council, be taken into consideration."

The motion was adopted.

Mr. DEPUTY SPEAKER.—Now the Bill will be considered, clause by clause. Clause 2 to 35, both inclusive. The question is:

"That clauses 2 to 35, both inclusive, stand part of the Bill".

The motion was adopted.

Clauses 2 to 35, both inclusive, were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 1, the Title and the Preamble. The question is:

"That clause 1, the Title and the Preamble stand part the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri KADIDAL MANJAPPA.—Sir, I beg to move:

"That the Land Acquisition (Mysore Extension and Amendment) Bill, 1961 as passed by the Legislative Council be passed."

Mr. DEPUTY SPEAKER.—The question is:

"That the Land Acquisition (Mysore Extension and Amendment) Bill, 1961, as passed by the Legislative Council, be passed."

The motion was adopted.

MEMBER'S REPRESENTATION

Sri J. B. MALLARADHYA.—In regard to half-an-hour discussions, I suggest that the Speaker do take into consideration the question of including half-an-hour discussion within the time allotted. If we take up half-an-hour discussion after six, everybody gets fagged and most of the members go away. In fact, most half-an-hour discussions have not come up. As a preliminary to my talk, I would suggest...

Mr. DEPUTY SPEAKER.—The rules will not permit.

Sri J. B. MALLARADHYA.—That is why I say that action will have to be taken to amend the rules.

Sri K. PUTTASWAMY.—The rule has to be amended; but even without amending the rule, by practice we can commence half-an-hour discussion at 5-30 instead of at 6.

Sri KADIDAL MANJAPPA.—I wish to make an announcement. The Government of Madhya Pradesh has donated one waggon of rice for the flood-striken areas, for the people of Mysore.

Sri V. P. DEENADAYALU NAIDU.—While expressing our thanks to then, do you communicate to them anything by way of expressing our gratitude?

Sri KADIDAL MANJAPPA.—Certainly; we will communicate; will express our gratitude.

HALF-AN-HOUR DISCUSSION ON Q. No. 230 *Re:* AGREEMENT FOR TECHNICAL COLLABORATION.

† Sri J. B. MALLARADHYA.—This discussion relates to Starred Question No. 230 regarding the agreement for technical collabo with the German firm of A.E.G. on behalf of the Government